

DEPARTMENT OF TRANSPORTATION

DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER

P.O. BOX 168041, MS-43

SACRAMENTO, CA 95816-8041

PHONE (916) 227-6299

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www.dot.ca.gov

*Serious drought.
Help save water!*

May 4, 2015

Facsimile: (530) 820-9616

David Studebaker, President
Studebaker Brown Electric, Inc.
6643 32nd Street, #106
North Highlands, CA 95660

03-4F1604
03-But-99-R34.2/R36.3
B.O. 3/25/15

Dear Mr. Studebaker:

The Department of Transportation (Caltrans) received a letter from Studebaker Brown Electric, Inc. (Studebaker Brown) for Contract No. 03-4F1604 dated April 3, 2015. Studebaker Brown alleges that All Phase Excavating & Construction, Inc. (All Phase) erroneously listed M&S Environmental (M&S) on their Subcontractors List Form as performing 52% of Bid Item 7, Compost Placement, when it should be 100 % and 52% of the total bid item price equals the proposal amount faxed out by M&S. In addition, All Phase did not list a qualified SWPP Developer for Bid Items 1, 4 and 5 (Lead Compliance Plan, Job Site Management and Prepare Water Pollution Control Program). The protest further alleges that Vincent Kentish Evans (Vincent Evans) failed to properly identify subcontractors who were performing bid items. Studebaker Brown requests Caltrans find the bids submitted by All Phase and Vincent Evans nonresponsive.

After review of the bid documents submitted by All Phase, Caltrans determined that the percentage listed on the subcontractors list is representative of the percent of work to be performed by the subcontractor, not a percentage of the bid item total, as the bid item total frequently includes the bidders profit and overhead. Furthermore, Caltrans can only make a finding regarding responsiveness based on the information contained in the bid at the time it is received by Caltrans. The quote for M&S Environmental is not part of the bid submitted by All Phase. Therefore, even if it was relevant, it was not submitted as part of All Phase's bid, nor was it required to be.

As this protest pertains to the listing of Bid Items 1, 4, and 5, M&S was not required to list a subcontractor for these Bid Items, since these are services and are not defined by the Business and Professional Code for that of a contractor and these items of work are not considered items of work subject to the Public Contract Code 4100. Furthermore, as stated above, Caltrans can only make a finding regarding responsiveness based on the information contained in the bid at the time it is received by Caltrans. Since the quote from M&S Environmental was not part of the submitted bid, nor was it required to be, Caltrans has no information regarding whether or not M&S Environmental is actually performing the work associated with bid items 1, 4 and 5.

As this protest pertains to Vincent Evans, Caltrans did not conduct a review of this protest since the bid submitted by Vincent Evans was found nonresponsive for other reasons.

Mr. David Studebaker
May 4, 2015
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Based on the above, Caltrans will proceed to award this contract to the lowest responsible bidder, provided all requirements have been met.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,



JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

**** Transmit Conf. Report ****

P.1

CALTRANS CONTR AWARDS Fax 916-227-6282

May 5 2015 11:19am

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915308209616	Normal	05:11:18am	1'05"	2	O K	

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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